

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

U.S.A. vs. Thomas Javie Kinlaw, III

Docket No. 7:09-CR-76-2

Petition for Action on Supervised Release

COMES NOW John A. Cooper, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Thomas Javie Kinlaw, III, who, upon an earlier plea of guilty to 26 U.S.C. § 5861 (d) and 18 U.S.C. § 2, Possession of an Unregistered Sawed-Off Shotgun, and Aiding and Abetting, was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on May 12, 2010, to the custody of the Bureau of Prisons for a term of 42 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 36 months.

Thomas Javie Kinlaw, III was released from custody on January 11, 2012, at which time the term of supervised release commenced.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR
CAUSE AS FOLLOWS:**

Thomas Kinlaw reported to the probation office on August 3, 2012, and submitted to urine testing. The result was positive for THC and he admitted using marijuana on or about July 21, 2012. Based on this violation and Kinlaw's history of substance abuse, it is recommended supervision be continued but modified requiring him to serve 2 days in jail and participate in substance abuse treatment and testing. Furthermore, it is recommended the court impose the DROPS condition.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 2 days, and shall abide by all rules and regulations of the designated facility.

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3. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days. The defendant shall begin the DROPS Program in the second use level.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Kevin L. Connolley
Kevin L. Connolley
Supervising U.S. Probation Officer

/s/ John A. Cooper
John A. Cooper
U.S. Probation Officer
2 Princess Street, Suite 308
Wilmington, NC 28401-3958
Phone: 910-815-4857
Executed On: August 6, 2012

ORDER OF COURT

Considered and ordered this 13 day of August, 2012, and ordered filed and made a part of the records in the above case.

Terrence W. Boyle
Terrence W. Boyle
U.S. District Judge